

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KAREN MARTIN	:	CASE NO. 1:04 CV 206
	:	
	:	Plaintiff : <u>ORDER</u>
-vs-	:	
	:	
GENERAL ELECTRIC COMPANY	:	
	:	
	:	Defendant
-----	:	
	:	

UNITED STATES DISTRICT JUDGE LESLEY WELLS

On 9 May 2005, this Court granted defendant General Electric Company's ("GE") motion for summary judgment and dismissed this case. On 3 June 2005, GE filed a motion to tax costs. Plaintiff did not file a response or lodge any objections to GE's motion. On 5 July 2005, this Court granted in part and denied in part GE's motion and ordered plaintiff to pay GE \$5863.68 for its litigation costs.

Awakened from his slumber, plaintiff's counsel has now filed a "motion to deny defendant's motion to tax costs." (Docket #59). Not only does plaintiff request the denial of a motion which has already been ruled on, she does so on a wholly inapplicable basis. Namely, plaintiff argues that defendant's motion to tax costs should be denied because it was not filed within the fourteen days required by Fed. R. Civ. P. 54(d)(2). Such an argument would make some sense if defendant had filed a motion for attorney's fees.

However, GE did not file such a motion. Instead, it filed a motion to tax costs pursuant to *Rule 54(d)(1)*. Accordingly, plaintiff's argument is as misguided as it is untimely and is therefore denied.

IT IS SO ORDERED.

/s/ Lesley Wells
UNITED STATES DISTRICT JUDGE